

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.)
ROSS MCLELLAN)
and)
EDWARD PENNINGS,)
Defendants.)

)

Criminal No. 16-10094-LTS-MBB

JOINT MEMORANDUM FOR SECOND INTERIM STATUS CONFERENCE

The parties submit this joint memorandum addressing the issues set out in Local Rule 116.5(b).

1. Status of Discovery

The government has produced extensive automatic discovery as well as additional materials. The government has requested reciprocal discovery. The government has responded to several discovery requests of the defendants, and there are no additional discovery requests pending. The defendants are in the process of reviewing the materials produced by the government in order to determine whether they will file any discovery-related motions. The parties request that the Court set the following schedule for any such motions: defendants' motions due January 30, government's response due February 13, and defendants' reply, if any, due February 21.

2. Additional Discovery to Be Produced

The government expects to produce a very small volume (likely consisting of several hundred pages or less) of additional discovery within the next several days. Much of the

production will consist of versions of documents already produced, as well as notes of an FBI interview of defendant McLellan in another criminal investigation.

3. Timing of Additional Discovery Requests

As noted, the parties request that the Court set the following schedule for discovery motions: defendants' motions due January 30, government's response due February 13, and defendants' reply, if any, due February 21.

4. Protective Orders

The Court has previously issued two protective orders. See Dkt. 34, 51.

5. Timing of Any Pre-Trial Motions Under Fed. R. Crim. P. 12(b)

The parties propose that pre-trial motions, if any, be filed by May 8, 2017.

6. Expert Witness Disclosures

The parties propose a schedule for expert disclosures pursuant to Fed. R. Crim. P. 16(a)(1)(G) and 16(b)(1)(C) with the government producing expert disclosures 70 days prior to trial and the defendants producing expert disclosures 45 days prior to trial with the Government producing disclosures as to any rebuttal experts 25 days prior to trial

7. Defenses of Insanity, Public Authority or Alibi

The defendants do not intend to advance a defense of insanity, public authority or alibi.

8. Excludable Delay

The Court has previously issued an order of excludable delay until the trial, which has been set for October 23, 2017. See Dkt. 42.

9. Status of Plea Discussions and Estimated Length of Trial

The parties have not engaged in any plea discussions. The government estimates that a trial is likely to last approximately 3 weeks.

10. The Timing of a Final Status Conference

The parties request that the Court schedule a final status conference as soon as practicable on or after March 1, 2017.

Respectfully submitted,

ROSS MCLELLAN
Defendant

By: /s/ Martin Weinberg
MARTIN G. WEINBERG, ESQ.
Counsel to Ross McLellan

EDWARD PENNINGS
Defendant

By: /s/ Roger A. Burlingame
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Acting Under Authority Conferred by 28 U.S.C. § 515

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: January 13, 2017

/s/ Stephen E. Frank

Stephen E. Frank